

REMARKS

Claims 1-12 and 14-26 are now pending in the application. Claims 1-12, 14-26 and 29 [sic] stand rejected. Claims 13 and 27-29 have been previously canceled. Claims 1, 15, and 21 have been amended herein. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 21-26 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop (U.S. Pat. No. 2,948,560; hereinafter "Rop") in view of Antos (WIPO Pat. No. 03/036203; hereinafter "Antos"). Claims 1-6, 9, 10, 12, 14, 15, 18, 19, 21-26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop. These rejections are respectfully traversed.

Applicants note that Rop discloses a keeper 11a that is coupled to a refrigerator cabinet. Latch bolts 14a and handle 20a are coupled to a refrigerator door (Fig. 7). The latch bolt 14a is pivotably mounted such that when the handle 20a is pushed in, the pin 24a draws the right-hand ends of the base portion 17a together to release the keeper 11a from the latch bolts 14a. The bolt members 14a are required to be parallel to the keeper 11a, as the angled surface of the keeper 11a must squarely contact rollers 16a at the end of the bolt members 14a in order to relatch the door. The handle 20a is visible when the door is in the closed position, as shown in Fig. 7. Antos appears to

disclose a refrigerator 10 that includes a door assembly 14 coupled to a cabinet 16. The door assembly 14 includes a main body portion 26 and a cap or upper portion 28. The cap portion 28 upwardly extends from the main body portion 26. A latching arrangement 12 is carried by the door assembly 14, and a base member 34 of a latch unit 30 is coupled to a recess 36 defined by the door assembly 14. A handle portion 44 extends upwardly from the door assembly 14, and extends in a direction parallel to an adjacent portion of the cap portion 28. In contrast to the cited art, independent Claim 1 has been amended to recite:

...a door pivotally coupled to the housing, the door including a side that defines a **first recess**;

a cap portion that defines a second recess, the cap portion disposed within the first recess defined in the side of the door such that the second recess is disposed within the door;

* * *

a handle connected to and disposed within the second recess for movement between a first position and a second position, the handle defining at least one cam surface;

a pawl connected to and disposed within the second recess for movement between a latched position engaged with the striker for securing the door in a closed ... ; and

wherein the latching arrangement is disposed within the second recess of the cap portion such that the handle and pawl are hidden from view when the door is in the closed position (emphasis added).

Independent Claim 15 has been amended to recite:

...wherein the latching arrangement is disposed within the recess of the cap portion such that the handle and pawl are hidden from view when the door is in the closed position, with the **handle disposed entirely within the recess** (emphasis added).

Independent Claim 21 has been amended to recite:

a door pivotally coupled to the housing, the door including a top side, the top side defining a **first recess**;

a **cap portion that defines a second recess**, the cap portion disposed within the **first recess**;

* * *

...the **handle disposed entirely within the second recess** and defining at least one cam surface...(emphasis added).

In view of the above discussion, Applicants respectfully assert that Rop and Antos, singly or in combination, do not teach, suggest or disclose each and every element of independent Claims 1, 15 and 21. In this regard, Applicants assert that Rop does not teach, suggest or disclose a door including a side that defines a first recess, a cap portion that defines a second recess, the cap portion disposed within the first recess defined in the side of the door such that the second recess is disposed within the door, a handle disposed within the second recess, or a pawl disposed within the second recess, with the latching arrangement being disposed within the second recess, as claimed in Claim 1. Rop also does not teach, suggest or disclose a latching arrangement disposed within a recess of the cap portion such that the handle and pawl are hidden from view when the door is in the closed position, and the handle is disposed entirely within the recess, as claimed in Claim 15, or a door that has a top side that defines a first recess, a cap portion defining a second recess and disposed within the first recess, and a handle disposed entirely within the second recess, as claimed in Claim 21.

The Office states that "the pawl and a portion of the handle are disposed in a housing on the door and is considered a portion of the door and therefore a recess of the door[, and t]herefore the latching arrangement is considered disposed in the recess

of the door" (see Office Action mailed 2/11/08, numbered paragraph 2, p. 3). Applicants note that even if the housing of Rop could be considered a recess, the housing itself is not disposed in a recess of the door, and thus, neither the pawl nor the portion of the handle of Rop can be considered disposed within a second recess of a cap portion as claimed.

In addition, as noted by the Office, "Rop does not expressly disclose a cap portion defining a recess disposed within the door" (see Office Action mailed 2/11/08, numbered paragraph 3, p. 3). Rather, Rop teaches in both of his embodiments that the handle 20a is visible when the door is in the closed position, as illustrated in Figs. 5 and 7, and thus, Rop does not teach, suggest or disclose that the handle is disposed entirely within the recess of the door as claimed in Claims 1, 15 and 21. Further, Applicants note that it would be improper to modify Rop to include the handle 20a being disposed entirely within a recess. In this regard, such a modification would impermissibly modify the principle of operation of Rop, as it would prevent the handle of Rop to be pushed inward by an operator to release the door, and thus, is improper. MPEP 2143.01.

With regard to Antos, Applicants note that Antos does not remedy the shortcomings of Rop. Rather, Antos teaches that the cap portion 28 extends upwardly from the main body portion 26 of the door assembly 14 to conceal a plurality of controls 20. The cap portion 28 does not define a recess. The door assembly 14 defines a recess 36 that receives the latch unit 30, and not the cap portion 28. A portion of the handle 44 is disposed in this recess 36 of the door assembly 14. None of the handle 44 is disposed in the cap portion, but rather, the handle 44 is located immediately adjacent to the cap portion 28.

Accordingly, for at least these reasons, Applicants respectfully assert that the cited art does not teach, suggest or disclose each and every feature of Claims 1, 15 and 21, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of Claims 1, 15 and 21 under 35 U.S.C. § 103(a). Further, as Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 depend directly or indirectly from independent Claims 1, 15 or 21, Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 should be in condition for allowance for at least the reasons set forth for Claims 1, 15 and 21 above. Accordingly, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 2-6, 9, 10, 12, 14, 18, 19 and 22-26 under 35 U.S.C. § 103(a).

Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop (U.S. Pat. No. 2,948,560; hereinafter "Rop") in view of Antos (WIPO Pat. No. 03/036203; hereinafter "Antos"), and further in view of Lyu (U.S. Pat. No. 5,906,423; hereinafter "Lyu"). Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop, and further in view of Lyu. Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop in view of Antos, and further in view of Geddes (U.S. Pat. No. 2,172,467; hereinafter "Geddes"). Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Antos in view of Rop, and further in view of Geddes. These rejections are respectfully traversed.

With regard to Claims 7, 8, 11, 16, 17 and 20, Applicants note that these claims depend directly or indirectly from either Claim 1 or 15, and thus, should be in condition for allowance for the reasons set forth for Claim 1 and 15 above. In addition, Applicants

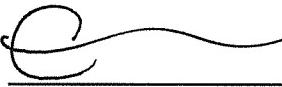
note that neither Lyu nor Geddes remedy the shortcomings of Rop and Antos, as discussed above. Thus, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 7, 8, 11, 16, 17 and 20 under 35 U.S.C. § 103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 5/2/08

By: 
Stephen T. Olson, Reg. No. 36,626
Erica K. Schaefer, Reg. No. 55,871

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

STO/EKS/chs